REMARKS

Reconsideration of the claims is requested.

Claims 1-9 and 11 are pending.

The independent claims are 1, 5, 6, 8, 9 and 11.

Claim Rejection under 35 USC 112, first paragraph:

Claims 1, 5, 6, 8, 9 and 11 are rejected under 35 USC 112, 1st paragraph, for failing to comply with the written description requirement, namely that the claim phrase "by confirming" and "confirmation portion" are not described in the specification.

With regard to independent claims 1, 6, 8, 9, and 11, using claim 1 as an example, as to the limitation "a monitoring portion that monitors … the network from the information management system," an example thereof is described in page 24, line 14-page 24, line 10 of the specification as filed. To be specific, the support for the limitation is: "The application state monitoring portion 203 shown in Fig. 4 monitors a state of applying the encryption policy … For example, if *it is confirmed* … it is decided that the encryption policy is used correctly."

With regard to independent claim 5, as to the limitation "an encryption process confirmation portion that confirms … from the encryption support system", an example thereof is described in page 20, line 10-page 22, line 2 of the specification as filed. To be specific, the support for the limitation is: "The encryption executing portion 303 and the signature process executing portion 304 … for performing the process of encrypting ... When the processes of the encryption … are completed, process completion information … are sent to the policy management server 21," where the policy management server can confirm, by for example, sending a warning, etc. (see FIGS. 19A, 19B, 43, 44).

Thus, it is readily apparent that the claims comply with 35 USC 112, 1st paragraph, written description requirement, by being described in the specification as pointed out above. The 35 USC 112, 1st paragraph, rejection should be withdrawn.

Claim Rejections under 35 USC §102 or 103

Claims 1, 3, 5-9, and 11 are rejected under 35 USC 102(e) as being anticipated by, or alternatively under 35 USC 103(a) as obvious over Malcolm (US Publication no. 2004/0078334).

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Malcolm and Litsuke (US Patent No. 6,463,151).

Claim 4 is rejected under 35 USC 103(a) as being unpatentable over Malcolm and Albrecht (US Patent No. 6,510,521).

The Office Action Response to Arguments asserts that Malcolm paragraph 0069 discusses "the operation of the system is controlled by policy data, which stores the corporation's regulations regarding security, authorization, and the actions that user's are permitted to perform, as well as operating information." The Office Action Response to Arguments also alleges that Malcolm's Abstract discusses "ensuring that the transmission data is transmitted at an encryption strength appropriate to the contents of the transmission data; determining whether a check needs to be made as to whether a digital certificate received in transmission is valid" (see Pages 3-4 of the Office Action).

However, the cited sections of Malcolm as relied upon by the Office Action do not teach the features of an embodiment of the present invention, in particular *an encryption support system* that "receives process information, which indicates *an encryption process performed by the information management system*, over the network from the information management system" and *the encryption support system* "*monitors by confirming whether the information management system encrypted the information in accordance with the encryption rule based upon the process information* received over the network from the information management system" (emphasis added). In other words, Malcolm's Abstract and paragraph 69 discuss a workstation's analyzer may consult policy data on the central Management Server to determine what action for the workstation to take regarding data to be transmitted or received. However, Malcolm is silent on performing an action according to a policy and then *confirming* whether the performed action was according to the policy, namely Malcolm is silent on *an encryption support system* that "receives process information, which indicates *an encryption process performed by the information management system*, over the network from the information management system" and *the encryption support system* "*monitors by confirming whether the information management system encrypted the information in accordance with the encryption rule based upon the process information* received over the network from the information management system" (emphasis added).

The rejection of claim 1 can be withdrawn.

Independent claims 5, 6, 8, 9 and 11 emphasize features similar to the discussed features of claim 1.

The remaining dependent claims inherit the patentable recitations of their respective base

claims, and therefore, patentably distinguish over the cited art for the reasons discussed above in addition to the additional features recited therein.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance.

Regarding formal matters, the Examiner can telephone the undersigned.

If there are any additional fees associated with filing of this response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
STAAS & HALSEY LLP

/Mehdi D. Sheikerz/

Date: _____June 10, 2011_____   By: _____
                                              Mehdi D. Sheikerz
                                              Registration No. 41,307

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501